

**MAY 19 2003**

**Not for Publication**

**CATHY A. CATTERSON**

**UNITED STATES COURT OF APPEALS**

**U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

**GES, INC., a Nevada corporation; GES  
EXPOSITION SERVICES, INC., a  
Nevada corporation,**

Plaintiffs - Appellants,

v.

**ST. PAUL FIRE & MARINE  
INSURANCE COMPANY,**

Defendant - Appellee.

No. 02-15433

D.C. No. CV-99-00593-RLH

**MEMORANDUM\***

Appeal from the United States District Court  
for the District of Nevada  
Roger L. Hunt, District Judge, Presiding

Argued and Submitted April 3, 2003  
San Francisco, California

Before: **B. FLETCHER, KOZINSKI** and **TROTT**, Circuit Judges.

GES's claims (and would-be claims) are barred by res judicata. The entire point of the prior action was to determine fault for Corbitt's injury. The jury

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specifically allocated blame based on its determination (a factual matter) of fault. Therefore, the issue was identical to the issue here; the ruling was on the merits and final; and the parties were exactly the same. GES can't now undermine that factual finding with a new action claiming the jury got the division wrong. See Executive Mgmt., Ltd. v. Ticor Title Ins. Co., 114 Nev. 823, 835, 838 (1998); cf. Nev. Rev. Stat. 17.225(2) (“The right of contribution exists only in favor of a tortfeasor who has paid more than his equitable share of the common liability, and his total recovery is limited to the amount paid by him in excess of his equitable share.”). GES paid only its fair share, as determined by the jury, and its claims are thus precluded.

**AFFIRMED.**